ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RESTRICTING INDIAN GAMING TO HOMELANDS OF TRIBES ACT OF 2006

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4893) to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming, as amended.

The Clerk read as follows:

H.R. 4893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restricting Indian Gaming to Homelands of Tribes Act of 2006''.

SEC. 2. RESTRICTION ON OFF-RESERVATION GAMING.

Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719) is amended—

(1) by amending subsection (b)(1) to read as follows:

''(b)(1) Subsection (a) will not apply when lands are taken in trust for the benefit of an Indian tribe that is newly recognized, restored, or landless after the date of the enactment of subsection (f), including those newly recognized under the Federal Acknowledgment Process at the Bureau of Indian Affairs, and the following criteria are met:

''(A) The Secretary determines that such lands are within the State of such tribe and are within the primary geographic, social, historical, and temporal nexus of the Indian tribe.

''(B) The Secretary determines that the proposed gaming activity would not be detrimental to the surrounding community and nearby Indian tribes.

''(C) Concurrence by the Governor in conformance with laws of that State.

''(D) Mitigation by the Indian tribe in accordance with this subparagraph. For the purposes of the Indian tribe mitigating the direct impact on the county or parish infrastructure and services, the Indian tribe shall negotiate and sign, to the extent practicable during the compact negotiations described in section 11(d)(3), a memorandum of understanding with the county or parish government. Such mitigation requirements shall be limited to the direct effects of the tribal gaming activities on the affected county or parish infrastructure and services. If a memorandum of understanding is not signed within one year after the Indian tribe or county or parish has notified the other party and the Secretary, by certified mail, a request to initiate negotiations, then the Secretary shall appoint an arbitrator who shall establish mitigation requirements of the Indian tribe.''; and

(2) by adding at the end the following new subsections:

''(e)(1) In order to consolidate class II gaming and class III gaming development, an Indian tribe may host one or more other Indian tribes to participate in or benefit from gaming conducted under this Act and in conformance with a Tribal-State compact entered into by each invited Indian tribe and the State under this Act upon any portion of Indian land that was, as of October 17, 1988, located within the boundaries of the reservation of the host Indian tribe, so long as each invited Indian tribe has no ownership interest in any other gaming facility on any other Indian lands and has its primary geographic, social, historical, and temporal nexus to land in the State in which the Indian land of the host Indian tribe is located.

''(2) An Indian tribe invited to conduct class II gaming or class III gaming under paragraph (1) may do so under authority of a lease with the host Indian tribe. Such a lease shall be lawful without the review or approval of the Secretary and shall be deemed by the Secretary to be sufficient evidence of the existence of Indian land of the invited Indian tribe for purposes of Secretarial approval of a Tribal-State compact under this Act.

''(3) Notwithstanding any other provision of law, the Indian tribes identified in paragraph (1) may establish the terms and conditions of their lease and other agreements between them in their sole discretion, except that in no case may the total payments to the host Indian tribe under the lease and other agreements exceed 40 percent of the net revenues (defined for such purposes as the revenue available to the 2 Indian tribes after deduction of costs of operating and financing the gaming facility developed on the leased land and of fees due to be paid under the Tribal-State compact) of the gaming activity conducted by the invited Indian tribe.

''(4) An invited Indian tribe under this subsection shall be deemed by the Secretary and the Commission to have the sole proprietary interest and responsibility for the conduct of any gaming on lands leased from a host Indian tribe.

''(5) Conduct of gaming by an invited Indian tribe on lands leased from a host Indian tribe under this subsection shall be deemed by the Secretary and the Commission to be conducted under the Act upon Indian lands—

''(A) of the invited Indian tribe;

''(B) within the jurisdiction of the invited Indian tribe; and

''(C) over which the invited Indian tribe has and exercises governmental power.

''(6) Notwithstanding the foregoing, the gaming arrangement authorized by this subsection shall not be conducted on any Indian lands within the State of Arizona.

''(7) Any gaming authorized by this subsection shall not be conducted unless it is—

''(A) consistent with the Tribal-State compacting laws of the State in which the gaming activities will be conducted;

''(B) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by an Act of the legislature of the State in which the gaming will be conducted; and

''(C) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by the Governor of the State in which the gaming will be conducted.

''(8) Host tribe compacts shall not be affected by the amendments made by this subsection.

''(f) An Indian tribe shall not conduct gaming regulated by this Act on Indian lands outside of the State in which the Indian tribe is primarily residing and exercising tribal government authority on the date of the enactment of this subsection, unless such Indian lands are contiguous to the lands in the State where the tribe is primarily residing and exercising tribal government authority.''.

SEC. 3. STATUTORY CONSTRUCTION.

(a) IN GENERAL.—The amendment made by paragraph (1) of section 2 shall be applied prospectively. Compacts or other agreements that govern gaming regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on Indian lands that were in effect on the date of the enactment of this Act shall not be affected by the amendments made by paragraph (1) of section 2.

(b) EXCEPTION.—The amendments made by section 2 shall not apply to any lands for which an Indian tribe, prior to March 7, 2006, has submitted to the Secretary or Chairman a fee-to-trust application or written request requiring an eligibility determination pursuant to section 20(b)(1)(A) or clause (ii) or (iii) of section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A), 2719(b)(1)(B)(ii), and 2719(b)(1)(B)(iii), respectively); provided that such lands are located within—

(1) the State where the Indian tribe primarily resides; and

(2) an area where the Indian Tribe has a primary geographical, historical, and temporal nexus.

(c) FURTHER EXCEPTION.—The amendments made by section 2 shall not affect the right of any Indian Tribe to conduct gaming on Indian lands that are eligible for gaming pursuant to section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as determined by the National Indian Gaming Commission, Secretary of the Interior or a Federal court prior to the date of the enactment of this Act.

SEC. 4. REGULATIONS REQUIRED.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall promulgate regulations to implement section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719). The regulations shall require tribal applicants for any of the exceptions listed in section 20 of the Indian Gaming Regulatory Act to have an aboriginal or analogous historic connection to the lands upon which gaming activities are conducted under the Indian Gaming Regulatory Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has a basic premise: Indian gaming should occur on Indian lands; and when a tribe is newly recognized, restored or landless, then it has to include the local community at the table for the simple purpose of signing a memorandum of understanding to address impacts. It is as simple as that.

Unfortunately, over the last 17 years, far too many tribes have drifted away from the original purpose and spirit of the Indian Gaming Regulatory Act and have sought to develop off-reservation casinos in whatever location seemed to be the most lucrative, often far from their tribal lands. Those who have pursued this course have turned the spirit of IGRA on its head. Instead of seeking to bring economic development to the Indian reservation, they have instead sought to bring the Indian reservation to wherever there is economic development. This is wrong, and it threatens

both the future of Native American economic development and the integrity of Indian tribal sovereignty itself.

When IGRA was written, it mandated that only lands held by tribes prior to October 17, 1988, or lands later acquired directly adjoining those lands, would be eligible for tribal gaming activities. It was a central principle of IGRA that, in general, lands acquired by tribes after enactment of IGRA would be ineligible for gaming.

However, IGRA provided for four exceptions, and it was expected that these would be used only rarely. Unfortunately, time has shown that the use of these four exceptions to IGRA's prohibition on gaming on after-acquired lands has been anything but rare. While opponents of reform make the oft-repeated claim that there have been only three off-reservation casinos since 1988, this claim is limited to only one of those exceptions, section 20. It ignores the fact that there are at least 38 casinos in operation today on land that was not held in trust in 1988, nearly 10 percent of the Nation's total number of tribal casinos.

Currently, there are at least 50 additional proposals for off-reservation casinos under those four exceptions. Beyond that, there have been dozens upon dozens of other projects announced or proposed over the last several years where paperwork has not yet been filed. Under the two-part determination of IGRA, virtually any land in the country could be targeted for gaming. Each one of those proposed casinos has had a very real and negative impact on public support for tribal gaming.

Over the last 2 years, the Committee on Resources has held nine hearings, heard from dozens of witnesses, and received thousands of communications documenting problems arising from off-reservation gaming. The committee has heard a compelling story and the heavy toll that off-reservation gaming proposals impose on local communities, and tribal sovereignty has become very clear.

Local citizens have told stories of waking up one day and being surprised to learn that a parcel of land in their community has been purchased by a developer who has announced that he intends to have that land declared a reservation where an Indian casino will be opened. This despite the fact that the community was hundreds of miles from the nearest existing tribal reservation land.

We have heard from private property and business owners about how the land-claims exception in IGRA has been abused by those seeking off-reservation casinos. Throughout the eastern United States, numerous land claims have been filed, resulting in costly litigation and the clouding of private property titles. These claims are filed in the hopes of forcing the State to settle the claim with an off-reservation casino. The current land claims exception in IGRA has become an incentive for this type of abusive lawsuit and must be brought to an end.

Local leaders have testified about the possibility of their community being significantly and permanently changed by the presence of a newly declared Indian reservation and tribal casino. They have told of their feelings of powerlessness to meaningfully participate and affect the process of the land being taken into trust. And they have spoken of their frustration that the impacts of the proposed casino facility will not be fully mitigated, because after the State's Governor and casino developer take their cut of the action, the tribe does not have enough revenue left to share to offset their impact on the community.

H.R. 4893 represents real reform of these abuses, while maintaining the opportunity for tribes to conduct gaming under IGRA on their tribal lands as per the original intent of the law. H.R. 4893 does away with the land-claim exception in the section 20 two-part determination. It reforms the procedures where newly recognized, landless and restored tribes can ask for lands to be placed in trust for an initial reservation. Tribes seeking these lands will now have to satisfy a three-part test to demonstrate that they have a primary historic, geographic, and temporal nexus to the land they wish to acquire for gaming. This will ensure that the initial reservation placement is determined by where the tribal people live and receive services, not by where the market for gaming seems best.

One of the most important parts of the bill is that State and local communities will play a more meaningful role in the process and will have an opportunity to give greater input into a casino proposed by a newly recognized and restored tribe. This bill requires the tribe to enter into a memorandum of understanding with the local county for the purpose of providing direct mitigation of impacts from a casino project.

H.R. 4893 is a real reform that will solve, once and for all, the problems with off-reservation gaming. It is the responsibility of this Congress to act now to bring the practice of off-reservation gaming to an end and to prevent further damage in the relationship between tribes and local communities over off-reservation casinos and to restore the original intent and spirit of IGRA to today's Indian gaming practice.

Mr. Speaker, I reserve the balance of my time.

□ 1215

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4893, a bill that would amend section 20 of the Indian Gaming Regulatory Act to impose on the poorest tribes new onerous requirements before those tribes could obtain trust land for gaming.

The provision that is most troublesome represents a drastic change in Federal law and policy because it undermines tribal sovereignty by requiring certain tribes to enter into a memorandum of understanding with counties and if the memorandum of understanding is not signed in 1 year would subject those tribes and counties to binding arbitration.

I do not believe by adding this provision to his bill Chairman POMBO acted with ill intent. I think we are all concerned about the possible proliferation of off-reservation gaming, but this bill goes far beyond that issue because it subverts tribal sovereignty by requiring tribes to negotiate with counties which are not sovereign governments at all but are creatures of the State.

Under current law, tribes must negotiate casino-style gaming compacts with State governments. As creatures of the State, the counties' interests should be protected by their State, as is the case in Michigan and other States. Never before has a Federal law equated sovereign tribes with counties.

We can address the issue of off-reservation gaming without equating those sovereign tribes with counties. But suspension of the rules forbids any amendments. I oppose setting a bad precedent in Federal law that undermines our long-standing policy of protecting tribal sovereignty.

In addition, there are a number of Members' concerns that remain unaddressed by this bill. During committee markup of this bill, several Members were told that their issues would be resolved before the bill was scheduled for consideration on the floor. Their concerns remain unaddressed, and consideration of this bill under suspension of the rules does not allow for modification or amendment.

Mr. Speaker, there was wide opposition to this bill. I and other Members of Congress have received letters from the National Congress of American Indians which represents 250 tribes throughout the Nation, the National Indian Gaming Association, the National Indian Business Association, California Nations Indian Gaming Association, Arizona Indian Gaming Association, Washington State Indian Gaming Association, New Mexico Indian Gaming Association, tribes from North Dakota, Montana, Oregon, Maine, Oklahoma, Wisconsin and my own State of Michigan.

Tribes and Indian organizations from all across the Nation overwhelmingly oppose this bill because it erodes tribal sovereignty. Therefore, in the interest of protecting tribal sovereignty and honoring our government-to-government relationship with tribes, I urge my colleagues to oppose this bill.

Mr. Speaker, when we all took our oath of office, we pledged and took an oath to uphold the Constitution of the United States. That Constitution reads, ''The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.'' That Constitution lists the three

sovereignties recognized by this Constitution.

I think we should be most careful when we diminish the sovereignty of one of those three by equating them with creatures of the State when those counties can have their interests protected by their own State government.

Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in opposition to H.R. 4893, a bill amending section 20 of the Indian Gaming Regulatory Act.

Mr. Speaker, I know this bill has been forged in the cauldron of Indian country, and speaking from experience, I know Native American passion can be as powerful as any constituency in America. That is why I rise, first and foremost, to voice my utmost respect for the chairman of the Resources Committee, the gentleman from California (Mr. POMBO), who has attempted to address casino-style gaming outside tribal reservations in a fair and balanced fashion. I particularly want to thank him for working to accommodate many of my concerns in particular areas of this bill. Frankly, I wish we had had the opportunity to continue our discussions on the bill.

Mr. Speaker, the chairman is a tremendous ally of Indian country and anyone who doubts this to any degree need only to look to his record and to his committee's priorities. He has always had nothing but the best interest of tribes in mind from a policy perspective, and he understands their issues as well as anyone in Congress. Unfortunately, on this issue we simply disagree.

The Resources Committee has crafted this bill with the best of intentions. I recognize its members are trying to address a complex challenge. However, as the only enrolled member of a tribe in Congress, the Chickasaw Nation, I take my obligation to defend the concept of tribal sovereignty very seriously. This bill, however well-intentioned, in my opinion violates and erodes the sovereignty of all American Indian tribes. As a result, tribal governments in my State and all across the country have urged me to oppose this legislation. And most tribal organizations, as the gentleman from Michigan (Mr. KILDEE) has pointed out, also oppose the legislation.

Our Constitution recognizes three types of sovereign entities beyond our own country: First, foreign governments; second, the States; and third, Indian tribes. Existing law requires that to enter into gaming activities, tribes must negotiate agreements with the Federal Government and the State government.

Under this bill, for the first time in United States history, Indian tribes would be required to negotiate directly with local governments in order to engage in lawful activity. That diminishes the power of tribes and raises local governments to the level of sovereign entities.

This is wrong for two reasons. First, local governments are not sovereign units. They are the creation of State governments and it is the responsibility of State governments to look after their interests. Second, it is the responsibility of State governments to negotiate for and represent the interests of local governments in their dealings with tribes. To shift this burden from the States to the tribes is both wrong and irresponsible.

Mr. Speaker, as currently written, the Indian Gaming Regulatory Act works. It has provided tribes the opportunity to recapitalize, diversify their economies, and raise their voices in national politics. It reinforces the tribes' constitutional right to negotiate as a sovereign entity with the Federal Government and with State governments, and it protects the interest of local governments by ensuring they work with their State governor and legislature in the State compacting process.

Mr. Speaker, all things considered, I see no upside in subjecting tribes to local governments. Therefore, I see it as Congress' responsibility to continue the tradition enshrined in the Constitution, embedded in our laws, and reinforced by countless judicial decisions, and that is to preserve and protect Indian sovereignty. I strongly urge a ''no'' vote on H.R. 4893.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Again, I would hope that we would not suspend the rules today and I look forward to continuing to work with Mr. POMBO, my chairman. From the very beginning I told him he was taking on a very important task, but I think we do have a poison pill, not put in with ill-will but a poison pill in this bill.

I would be most happy to continue to work with him to try to find a solution to the possible proliferation of casinos.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on sovereignty in this country on behalf of Native Americans, our very first Americans, the people who had America before Europeans settlers came here to take their land.

When the European settlers took their land, they took it and made one promise: We will give you what little land you have left, we will let you stay on that land and we will let you be in charge of it. And we will incorporate that into our various systems of government where we have a State government, we have city government, we have county government, and we will have tribal governments. But for purposes of tribal governments, they will have sovereignty that will surpass States so that the only relationship that these tribal governments will have will be the relationship between them and the Federal Government superseding States.

This was a part of the Constitution. It was decided by the Constitution and this legislation undermines that premise and forces tribes to negotiate with local counties, which is undermining 200 years of Federal policy for tribal sovereignty.

I ask for a ''no'' vote on this because its substance is bad, and the fact that it is being rushed through is bad as well.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

(Mr. WU asked and was given permission to revise and extend his remarks.)

Mr. WU. Mr. Speaker, I rise in strong opposition to H.R. 4893 because of my opposition to a proposed Indian gambling casino in the Columbia River Gorge National Scenic Area in Oregon.

We should not be considering a bill of this importance on the suspension calendar with only 40 minutes of debate, no opportunity to amend. This is completely inappropriate.

Regardless of whether you are an opponent or proponent of off-reservation gaming, Members should have an opportunity to bring their concerns to the floor and offer amendments. There are many reasons to oppose this bill, and I have the largest one of them of all: This, an 80-mile long, 4,000-foot-deep gorge. It is our Yosemite. It is our Grand Canyon. It is a national treasure, and it is completely inappropriate to put a gambling casino smack-dab in the middle of this national treasure.

Vote ''no'' on this suspension bill so we can protect the Columbia River Gorge and we can bring a real bill to the floor and have Members debate their concerns and amend this bill appropriately.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, proponents of this bill claim that it will guarantee greater local control. But for my constituents, nothing could be further from the truth.

More than 5 years ago, the community of Beloit, Wisconsin, began working with the Bad River Band and the St. Croix Chippewa Indians to build a casino in their community. My constituents, through a referendum, expressed their very strong support for this project, and local governments have worked hand-in-hand with the tribes on a project that the community deems important to their economic development.

For 5 years they have played by the rules and they are now in the last weeks of the approval process. Now, as the community anticipates a final decision on the tribe's application, this bill abruptly changes the rules, possibly denying the local community what they seek.

The citizens of Beloit, the local governments in the area, and the tribes

who seek to develop this project, are not seeking any special treatment. They simply want, and deserve, a fair decision on the merits of their application. After 5 years of following a fair process, this is no time to change the rules.

I urge my colleagues to oppose this bill.

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today to speak in favor of H.R. 4893, the Restricting Indian Gaming to Homelands of Tribes Act of 2006.

The expansion of tribal casinos to lands whose connection to Native American culture is limited or attenuated at best. This is a growing problem throughout the United States. No one wants to deny Native Americans the right to pursue government recognition of their tribal connections and to celebrate their native cultures.

Increasingly, however, groups anxious to promote casino gambling have aligned with some Native American groups for the sole purpose of utilizing the Indian Gaming Regulatory Act, IGRA, to promote the establishment of casinos.

In my district, the Delaware Nation, which is headquartered in Oklahoma, has filed suit in Federal court to establish title to a 315-acre tract of land in Northampton County, Pennsylvania, so it can build a gambling facility. More than 25 families live on this property. It is also home to the Binney and Smith Company, on which it has placed a Crayola crayon manufacturing facility. The individuals trying to establish this casino, who all reside out-of-State, are not concerned about the area's homeowners, about the valuable manufacturing jobs potentially displaced by this casino, or about the fact that Binney and Smith's Crayola makes a useful product loved by children all over the world.

□ 1230

They are only interested in seeing working people and seniors gamble away their hard-earned dollars. H.R. 4983 would effectively end this kind of reservation shopping. It prohibits gambling on Indian lands outside of the State in which that tribe is primarily residing and exercising tribal authority as of the date of this law's enactment, unless those lands are contiguous to lands currently overseen and occupied by that tribe.

This prevents a tribe with headquarters, in, say, California or Oklahoma from acquiring lands in places like Ohio, Illinois and Pennsylvania, where there are no federally recognized Indian tribes, for the sole purpose of putting a casino on those properties.

Homeowners and business owners should not be held hostage to out-of-state casino interests that are willing to throw people out of their homes and destroy local businesses in order to further the expansion of casino gambling.

I would ask for all Members to support H.R. 4893.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise in support of this bill. As you may know, some of you, earlier this year I introduced a bill, H.R. 5125, that would, in essence, require States to undertake planning for the siting of Indian gaming facilities, essentially developing a State master plan before a new class III gaming license could be granted.

We have 22 States in the Nation that allow for class III gaming. Currently, if you look at those 22 States, take a snapshot, there are 339 sovereign nations within those 22 States that could potentially have legalized gaming.

What happens in the experience that I have determined in California over the last 15 years is too often Indian tribes are at the mercy of shifting political winds in State government. Negotiating a tribal-State compact for the right to engage in class III gaming on their tribal lands is a process that is complicated by elections, changing attitudes towards the tribe, as well as an understanding that tribal gaming also can be a lucrative process and business, therefore, to the State.

This process I call, or dubbed, is frequently understood as ''let's make a deal'' time. We have had three Governors in California in the last 15 years that have engaged in that process.

My legislation would not prevent tribes from engaging in their application process or affect any of those that have already had approval of a compact. But what it would do is develop some common sense in terms how we look in the future for prospective gaming under class III licensing with the 22 States that have 339 sovereign nations that could, but yet do not have compacts, that would allow them to have class III gaming.

I think it is time that we learned from the lessons of the last 15 years and the 22 States across the country that do have class III gaming. Let us require the States to submit a master plan to the Secretary of the Interior so that we know how we will go forward prospectively as to the impact of that class III gaming.

Common sense tells us that this makes, I think, the best process for planning future gaming in this country. Although my legislation isn't a part of this bill, I continue to work with Members on both sides of the aisle to try to put forth an effort to develop a master plan for those States that, in fact, do have class III gaming.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished gentleman from Michigan, a very valued member of our Resources Committee, for yielding me the time.

Mr. Speaker, I share the concerns of some on my side of the aisle that this amendment should have been brought to the floor under a rule so that amendments could be offered by interested Members.

Indeed, during the Resources Committee's deliberations on this measure, several members issued concerns, and both the chairman and myself assured them that they would be considered as the process moved forward. Yet the Republican leadership chose to schedule this bill as a suspension, and as such amendments are not made in order.

With that said, the bill before the body today is the product of a negotiation which took place between Chairman POMBO and myself as the ranking member on the Resources Committee.

The original introduced version bill went too far in my opinion in interfering with tribal sovereignty. As a result of our negotiations, the version reported by the committee, which is pending before us, has a great deal more respect for tribal sovereignty while still achieving the goal of reining in off-reservation casino shopping.

Let me be very clear on this point. The letter the National Congress of American Indians has sent in opposition to this bill must be in reference to the original introduced version, not what is before us today. That letter alleges that a tribe would have to seek approval of a local government before gaming could commence. It alleges the bill would subordinate tribes to local governments. This is just plain false.

What the bill does require is that a tribe seeks to establish an agreement with a local community concerning the costs of mitigating the impact from public services that could arise from a new casino. That is nothing less and nothing more than good business practice. It is what most tribes do today.

On the broader issue, there should be no doubt that this legislation is necessary. According to United South and Eastern Tribes, which represents 24 federally recognized tribes in the east, this bill is critical on tracking down reservation-shopping abuses which are often funded by shadowy developers.

The president of the organization, Keller George, in a letter to Congress states: ''This kind of reservation shopping runs counter to the intent of the Indian Gaming Regulatory Act and well-established Indian policies.'' He urges the favorable approval of the pending legislation.

So while I remain concerned about the process, I am in support of the bill. I urge Members to vote in favor of it.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise in opposition to this bill. I think it is important to note that before we do violence to the existing situation here that there has been substantial success. In the existing relationships, we have had only three essential tribes, all of which have been done with largely local jurisdictions' approval. To do significant changes to upset that balance would erode, and I do believe this bill

as currently written does erode, to a degree, tribal sovereignty in this regard. For that reason, I don't believe it is necessary at this time, and there can be and should be improvements.

It is disappointing again that democracy isn't functioning here in this body in that we are not allowed to offer amendments on the floor to a very critical issue involving tribal sovereignty. We have seen tribes abused historically in this country. I think that is happening again today where this bill is not allowed to be subject to the amendment process on the floor that it should.

But I also want to note that I believe that somehow the gaming process has not assisted folks in these tribes. I just want to attest, having seen boys and girls clubs established, in fact, first boys and girls club on a reservation in the Toledo reservation in the State of Washington, as a result of this economic activity, there are a lot of good economic activities happening in these communities. I think this bill will not foster them and we should oppose it.

Mr. KILDEE. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Michigan has 4½ minutes. The gentleman from California has 9 minutes.

Mr. KILDEE. Who has the right to close?

The SPEAKER pro tempore. The gentleman from California.

Mr. KILDEE. Mr. Speaker, I was here in 1988 as a Member of the Interior Committee, and I helped write IGRA. I am very familiar with it. All laws here are written on Capitol Hill, not Mount Sinai, so I know that they are not perfect bills. But this has been a good bill.

As I said, from the very beginning, I told Mr. POMBO that I admired his courage to address this situation, but I do think that it has not been addressed properly, particularly with equating sovereign tribes with counties. I would be glad to work with him, bring this bill out on regular order where people could offer amendments on a very, very important bill.

This bill took us a long time to write in 1988. We had great debate in 1988 and great input. We wrote a good bill.

So I date back to those, probably one of the few who were here when we wrote that law, and I think that to amend it in this fashion, particularly on suspension, and, secondly, treating sovereign tribes as if they were like counties which are creatures of States, treat them as two equals. The Constitution does not say, Congress shall regulate commerce with foreign nations, the several States, the Indian tribes and the various counties. It mentions the three sovereignties here. That is very, very important to me, and we bore that in mind when we wrote this bill back in 1988.

I would hope, Mr. Speaker, that we will be able to defeat this today, and Mr. POMBO knows. I have talked to him repeatedly on this. We should sit down and see if we can bring a bill out with some of the provisions, especially the one treating as equals, two entities that are not equals, included in a rule where we can offer amendments on the floor.

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. I very much appreciate the honorable gentleman from Michigan in his yielding to me, and his leadership on this issue. There is nobody in this Congress that respects tribal sovereignty more than DALE KILDEE. I am very proud to stand here today with him.

Mr. Speaker, I rise today against passage of H.R. 4893 under suspension of the rules. My district in northern New Mexico is home to more than 16 tribes. I have heard from many of my constituents, and they are strongly opposed to this bill. In fact, I do not know of a single tribe in the entire State of New Mexico who wants to see these changes. I know there are some States that have serious concerns surrounding tribal gaming issues, and I respect those concerns.

But my State of New Mexico and the tribes I interact with have approached gaming and the responsibilities related to this industry with the utmost integrity and transparency. I am afraid that this one-size-does-not-fit-all legislation will have the serious consequence of undermining 200 years of tribal sovereignty.

I ask that we take another look at this legislation and then bring it up for consideration under the regular order so that amendments are allowed. Members deserve a chance to amend this important legislation, and, sadly, once again the leadership is stifling debate.

Mr. KILDEE. Mr. Speaker, again, I wish we had a longer time to debate this very important bill, a bill that took us months to put together back in 1998. I regret that. I do look forward to, however, if we defeat this bill, which I hope we do, to sit down with Mr. POMBO. He knows that I recognize that there are some things that we can agree upon in this bill, then bring the bill out under regular order and let the House speak its mind.

Mr. Speaker, I yield back my last second.

Mr. POMBO. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, over the last 2 years, we have attempted to address this issue in the Resources Committee. Two years ago I put out a draft legislation for discussion that all of the members of the committee, all the Members of Congress, and the interested public had an opportunity to comment on.

We got thousands of comments. We held hearings, we got thousands of comments on that draft. We changed that draft. We took all of the input that we got, the testimony that we got, and we put that into that draft, and we continued to work on it.

Mr. KILDEE, from the very beginning, raised the issue of sovereignty; and it is an important issue to him, as it is to most of the members of the committee, that this is something that we wanted to protect, as it is our constitutional responsibility to protect the sovereignty of tribes and to negotiate with tribes, just as it is to negotiate with states in foreign countries.

We took all of that comment, and we came up with a new draft, and we put that out for additional comment. Finally, we introduced the underlying bill.

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Mr. KILDEE brought up the issue of sovereignty and how we dealt with that. We changed the bill we are actually voting on today substantially from that original draft. The original draft did give cities a veto power in essence over trust lands. Many members of the committee and different attorneys that we talked to felt that that would not stand up to a court challenge, and we took that out.

But what we did do, as Mr. RAHALL pointed out, we gave local cities and counties the ability to negotiate with the tribes to come up with a memorandum of understanding so that they have the ability to make sure that if there is a major new development that is going to happen within their community that they are held harmless, that they have some input into that project going forward, that sewer and water and transportation needs and other things, just like if it was a private developer going in, would be met. That is the requirement that we put in. That somehow is now being deciphered as threatening sovereignty.

I will tell you though, and I want to make this perfectly clear, if you care about sovereignty of our Native American tribes in this country, then you better support this bill, because if we do not further regulate the expansion of off-reservation casinos, we will have an attempt made within this Congress to threaten that sovereignty, and we know that that is going to happen because we have seen it over the last few years. The proliferation of Indian gaming throughout the country is a threat to that sovereignty, and we need to do that.

Mr. KILDEE also talks about in IGRA, the Indian Gaming Regulatory Act in 1988. It took us years just to draft these amendments to it. This may have taken months, but it wasn't written on Mount Sinai.

When you helped to write that bill, it was a $200 million industry. Today it is a $23 billion industry. We have a responsibility to regulate that industry. We have a responsibility as Members of Congress and the Resources Committee to do what we have to do in order to ensure that that sovereignty continues, because if we don't that is a bigger threat to that sovereignty.

I would also say, Mr. Speaker, that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT) is a strong supporter of the bill. He asked

me to mention that in my closing comments. Unfortunately, he was not able to make it down here on the floor, but he will have a statement to add into the RECORD.

Having said that, I urge passage of the legislation.

Mr. HASTERT. Mr. Speaker, I rise today in strong support of H.R. 4893 and want to thank Chairman POMBO and Ranking Member RAHALL for their hard work on behalf of this important bipartisan legislation. The practice of Indian tribes acquiring lands outside the borders of their tribal homelands for the purposes of opening casinos—often called reservation shopping—is a problem that is spreading throughout the country. In most cases, it forces states and local governments into protracted and costly legal battles. This is especially true in the State of Illinois where off-reservation claims have affected thousands of landowners.

When Congress passed the Indian Gaming Regulatory Act (IGRA) in 1988, they did not intend to authorize reservation shopping by Tribes. In fact, IGRA prohibits gaming on all after-acquired lands and only permits off-reservation gaming under extremely limited circumstances. However, some Tribes are attempting to take advantage of IGRA's provisions and move into lucrative casino markets far from their reservations and lands where they have a historical connection.

This legislation puts an end to reservation shopping by prohibiting attempts to establish off-reservation casinos outside the state where the tribe currently resides. Most importantly, this legislation prevents tribes from filing lawsuits and land claims against private property owners in hopes of getting a casino in the settlement.

One example is in my district where the Prairie Band of Potawatomi Indian Tribe, based in Kansas, has laid claim to 1,280 acres of land in DeKalb County. Their claim is based on an 1829 Treaty between the United States and United Tribes of the Chippewa, Ottawa and Potawatomi that granted the DeKalb acreage for the ''use'' of a chief named Shab-eh-nay and ''his band.'' Shab-eh-nay left the land in the 1830's and moved to Kansas with his band. In fact, on December 1, 1845, Shab-eh-nay sold 640 acres of the property for $1200—a deed which I have a copy of right here—and federal agencies determined that the land had been reverted to federal ownership when he moved west.

Nonetheless, the Tribe asserts that the 1829 Treaty granted a permanent title to the land that could only be taken away by an Act of Congress. Their claim is based solely on a letter written on the final day of the Clinton Administration by U.S. Department of Interior Solicitor John Leshy that the Tribe had a ''credible'' claim to the land.

However, instead of requesting that the Department of Interior formally recognize that claim and have the land taken into trust, the Tribe made an open-market purchase of 128 acres of land and declared through a Tribal Council Resolution their sovereign authority and jurisdiction over the property.

It should be noted that according to the Department of Interior, the Tribe has never officially contacted the Department about their claim to this land. Not to mention that another tribe, the Ottawa Tribe of Oklahoma, has made a competing claim to the same land.

Shortly after presenting the resolution to the County, the Tribe attempted to begin work on construction of a satellite office on the property, which the land is not currently zoned for. As a result, the County was forced to issue a stop work order on the project. Subsequently, the Tribe scheduled a public hearing regarding their proposed change in land use. Ultimately, the Tribe's intention is to construct a $715 million ''first class gaming, entertainment and resort complex on 1,280 acres of land'' according to their proposal issued in 2003. This is despite the fact that tribal gaming is not allowed under State law.

Rather than take the steps outlined by IGRA, and apply to have their land taken into trust by the Department of Interior, the Tribe has instead chosen to force costly legal action by the County for the purpose of having their claim heard in court. This is clearly an attempt to circumvent the review process by the Department of Interior.

Mr. Speaker, even the Supreme Court ruled in 2005 that an Indian Nation cannot regain the sovereignty of lands through open market land purchases. Nonetheless, these claims persist and put private landowners and local governments at risk. Without congressional action, these claims could establish a dangerous precedent whereby tribes could, and would, locate casinos in any state where gaming is allowed.

Mr. Speaker, it is my opinion that H.R. 4893 is especially important for the sake of protecting private landowners who have a legitimate right to their land, while providing fair and reasonable treatment for Indian Tribes. I strongly encourage my colleagues to support this important and commonsense legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to H.R. 4893, amending section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming.

This bill amends the Indian Gaming Regulatory Act for the first time since 1988. The bill would require Tribes to enter into compacts with local government entities, in addition to State governments, to conduct casino-style and non-casino-style gaming (such as bingo).

The U.S. Constitution article 1, section 8 acknowledges Indian Tribes as governments, equal to states and foreign nations. H.R. 4893 includes a provision that forces Tribes to enter into binding negotiations and arbitration with counties and parishes. This is directly counter to the constitutional provision recognizing Tribal governments as sovereign nations equal to Federal and State governments.

I oppose this bill because it is inconsistent with and dismissive of current law and policy. The National Indian Gaming Association, National Congress of American Indians, Native American Rights Fund, and the National Indian Business Association have all expressed concern that this bill requires Indian tribes to negotiate financial arrangements with local municipalities and counties, rather than the arrangement of government-to-government interactions, which is the current precedent.

Indian tribes are sovereign entities, and as such negotiate in government-to-government settings. The provision in this bill to require Indian tribal governments to negotiate with municipalities and counties in effect replaces the state government partner with a sub-government entity. This intrusive action violates the constitutional principle of tribal sovereignty.

A bill with consequences this far-reaching deserves thorough consideration and debate. The fact that this bill has been placed on the suspension calendar, and thus is not subject to amendment, is irresponsible. Tribal sovereignty is a bedrock principle of American law. It should not be dismissed without proper debate that allows every concerned and affected Member of Congress to participate.

The Department of the Interior is presently reviewing Section 20 in order to publish regulations pertaining to the economic opportunities, liability and jurisdictional issues, and policy implications for the greater American Indian community. In March, the Committee on Resources heard Mr. James Cason, Associate Deputy Secretary of the Interior, give testimony in which he expressed the need to review and work on certain elements of the bill. To my knowledge, the issues have not been resolved to the satisfaction of all of the Members of the Committee, let alone Members of Congress who are not on the Resources Committee.

This bill does not belong on the suspension calendar, and should instead be open to review and amendment by all Members of Congress.

I urge my colleagues to speak up for proper procedure in this House, as well as respect the precedent that this bill ignores.

Mr. OBEY. Mr. Speaker, I agree with the proposition that it makes no sense to allow tribes to establish gambling casinos in territories that have no relationship to the tribe. But, I am voting against this bill because I believe that people who disagree with me ought to have the right to offer an amendment—for example, those who want to limit Indian tribes' ability to establish off-reservation casinos but would make an exception if the effort is supported by local officials—county board, city council, mayor—or if it is approved by referendum. But, this bill is arrogantly presented in a take it or leave it fashion which would not allow amendments to accomplish that.

Without amendments such as that, this bill is going nowhere. It is simply a cynical effort by the Committee Chairman and the House Republican leadership to pose for political holy pictures by pretending that they are doing something by pushing a bill that is going nowhere.

Even though I am troubled by some provisions of the bill, I could vote for it

after the House has had an opportunity to consider legitimate amendments to it. But, I will not accept something that is arbitrarily presented on a take it or leave it basis.

One problem in dealing with this issue is that people on both sides of the question have abused the process. Some tribes have abused existing law and have established casinos in territory totally unrelated to their own territorial base and have attempted to run roughshod over local officials in the process. And, on the other side, the committee and the House leadership have abused the process by refusing to allow amendments to the bill.

If this bill were the product of negotiations, I could even accept that. But, the committee has chosen to arbitrarily bring this take it or leave it proposal to the House floor and has not even had the courtesy to provide a committee report to explain and help analyze the bill.

Mr. REYES. Mr. Speaker, I stand in strong opposition to H.R. 4893. This legislation seeks to make drastic changes to the Indian Gaming Regulatory Act without the option to offer amendments or have a full debate on the floor of the House of Representatives.

Instead of offering legislation that would weaken tribal sovereignty, Congress should be working hard to ensure American Indians are protected from corrupt lobbyists and given the means to care for their members.

Mr. Speaker, it is time for this Congress to take a stand for millions of American Indians throughout the country by voting against H.R. 4893.

Ms. HERSETH. Mr. Speaker, I rise today in opposition to H.R. 4893. All nine sovereign Tribes in South Dakota have asked me to oppose this legislation. I take my responsibility to consult with Tribes very seriously and share their concerns that this bill will create an unnecessary and unprecedented infringement on Tribal sovereignty.

Though gaming has transformed tribal economies in many places, the harsh reality is that Native Americans remain the poorest people in our country. This was confirmed only a few weeks ago in the Census Bureau's annual poverty report. Gaming alone has not—and will not—fix this problem.

The right of Tribes to conduct gaming is a manifestation of tribal sovereignty and one of its many benefits. Sovereignty allows tribes to move forward with economic development opportunities and to draw strength from their rich history. Sovereignty, and not gaming, is the most valuable tool to lift Indian Country out of poverty. I urge my colleagues to support sovereignty and vote against H.R. 4598.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Michigan, Mr. KILDEE, for all of his efforts to defend the rights of the first people to inhabit our great Nation.

I strongly oppose H.R. 4893, which would amend the Indian Gaming Regulatory Act to restrict Indian gaming and subject Indian tribes to the whims of local governments.

The United States Constitution recognizes Indian Tribes as sovereign governments, equal to States and Foreign Nations. H.R. 4893 would force Indian Tribes to enter into agreements with counties in order to operate gaming facilities. Tribes are already required to negotiate gaming compacts with State governments. Requiring Tribes to negotiate with local governments is a blatant violation of their sovereignty.

The California Nations Indian Gaming Association, which represents many tribes in my home State of California, is firmly opposed to this bill.

Never before in the history of our Nation have tribes been required to negotiate with local governments. I urge my colleagues to oppose this bill and protect the sovereign rights of American Indian Tribes.

Mr. BLUMENAUER. Mr. Speaker, extreme care should be exercised when Congress legislates in areas affecting tribal sovereignty and issues important to Native Americans.

It is troubling that H.R. 4893 comes to the House floor under a suspension of the rules, which implies the bill is non-controversial and is one which has consensus support and no need of extensive debate or modification.

This is not the case with this attempt to amend the Indian Gaming Regulatory Act. The National Congress of American Indians, the National Indian Gaming Association, and several tribes in the State of Oregon have expressed their opposition. The rules suspension does not permit Congress to debate potential changes and indeed all debate is severely limited.

I am deeply concerned that any changes to the Indian Gaming Regulatory Act be carefully considered and fair and balanced for all parties involved. Sadly, this proposal does not meet that test.

Ms. WOOLSEY. Mr. Speaker, today the Republican leadership decided to consider legislation that would substantially revise the Indian Gaming Regulatory Act (IGRA)—the first time we have been allowed to address our concerns with IGRA since it was enacted in 1988. The bill we are voting for today, while it does much to stop the most egregious forms of reservation shopping allowed by IGRA, is not wholly adequate. Suspending the House rules to vote on this bill forces my colleagues and me to settle for a makeshift and inadequate solution to the proliferating problem of off-reservation gaming. Since Mr. POMBO'S bill fails to thoroughly address the gaming issues facing my constituents, I would have liked the opportunity to offer an amendment that reflects the concerns of the people in Marin and Sonoma Counties. I sincerely hope that the Republican Majority will allow for a full debate that includes the opportunity for Members to amend this bill, as we should not shortchange our constituents in the process of passing this important piece of legislation. Circumventing traditional House procedure, obstructing debate, and forcing us to vote on inadequate legislation is wrong, and I will be voting ''no'' on H.R. 4893.

Mr. SHADEGG. Mr. Speaker, I rise today in support of H.R. 4893, the Restricting Indian Gaming to Homelands of Tribes Act. The bill before us improves upon the Indian Gaming Regulatory Act (IGRA) by restricting the interstate expansion of Indian gambling and including states and local communities in the application review process at the Department of Interior. I intend to vote in favor of this bill as it does improve upon the existing law, however I believe IGRA is deeply flawed and in need of more far-reaching reforms in the future.

Congress passed the Indian Gaming Regulatory Act in 1988 in reaction to an ongoing expansion of casino-style gambling on reservations. Following the Supreme Court's Cabazon ruling that states did not have the authority to regulate tribal casinos, Congress elected to establish a framework for Indian gambling in an effort to control its growth. Despite IGRA's passage, or some would say because of it, annual Indian gambling revenues exploded from $100 million in 1988 to over $23 billion in 2005 alone. Today, there are over 410 tribal gaming operations in 32 states.

IGRA requires states to negotiate compacts with tribes wishing to establish casinos. If a state refuses to negotiate, the tribe can sue or the Secretary of Interior can unilaterally grant a casino license to the tribe. In other words, tribes are free to operate casinos in states or communities that do not desire such enterprises. H.R. 4893 attempts to address this problem by requiring tribes applying for a casino license to enter into a memorandum of understanding with local communities regarding shared infrastructure needs, such as roads or utilities, and by requiring the concurrence of a state's governor. However, these provisions only apply on a prospective basis, exempting 23 pending casino applications from the additional requirements. I believe the bill should have applied to these applications as well. Furthermore, the underlying IGRA requirement on states to negotiate compacts or else have a compact dictated by federal officials raises serious constitutional and federalism concerns as a possible violation of the 10th Amendment.

I strongly support the RIGHT Act's ban on so-called ''reservation shopping,'' preventing a tribe that already has land in trust from acquiring non-contiguous lands for gaming purposes. I also applaud the bill's ban on out-of-state off-reservation casinos.

Mr. Speaker, the RIGHT Act is a good bill. While I would like to have seen a stronger bill that undertook more basic reforms of IGRA, the RIGHT Act does take several steps forward by involving local communities and states and installing limits on the expansion of tribal gaming off-reservation and across state lines. I urge my colleagues to support the bill, and continue to work toward further reform in the future.

Mr. SHERMAN. Mr. Speaker, I have always opposed using the suspension process for consideration of controversial legislation. Once again, the Republican leadership is abusing the suspension process to limit debate by bringing H.R. 4893 to the floor as a suspension item. Accordingly, I cannot vote to suspend the rules.

Mr. POMBO. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 4893, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KILDEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this question will be postponed.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION ACT OF 2006

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5815) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Veterans Affairs Medical Facility Authorization Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, BILOXI AND GULFPORT, MISSISSIPPI.

(a) PROJECT AUTHORIZATION.—The Secretary of Veterans Affairs may carry out a major medical facility project for restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi.

(b) COST LIMITATION.—The project authorized by subsection (a) shall be carried out in an amount not to exceed $310,000,000.

(c) REQUIREMENT FOR JOINT-USE FACILITY.—The project authorized by subsection (a) may only be carried out as part of a joint-use facility shared by the Department of Veterans Affairs with Keesler Air Force Base, Biloxi, Mississippi.

SEC. 3. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND OPERATION OF MAJOR MEDICAL FACILITY PROJECT, NEW ORLEANS, LOUISIANA.

(a) AGREEMENT AUTHORIZED.—The Secretary of Veterans Affairs may enter into an agreement with the Louisiana State University to design, construct, and operate a co-located, joint-use medical facility in *or near* New Orleans to replace the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, damaged by Hurricane Katrina in August 2005.

(b) COST LIMITATION.—Advance planning and design for a co-located, joint-use medical facility in *or near* New Orleans under subsection (a) shall be carried out in an amount not to exceed $100,000,000.

SEC. 4. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND OPERATION OF A MAJOR MEDICAL FACILITY PROJECT, CHARLESTON, SOUTH CAROLINA.

(a) AGREEMENT AUTHORIZED.—The Secretary of Veterans Affairs may enter into an agreement with the Medical University of South Carolina to design, construct, and operate a co-located joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson Department of Veterans Affairs Medical Center, Charleston, South Carolina.

(b) COST LIMITATION.—Advance planning and design for a co-located, joint-use medical facility in Charleston, South Carolina, under subsection (a) shall be carried out in an amount not to exceed $70,000,000.

SEC. 5. AUTHORIZATION OF SITE PURCHASE FOR MAJOR MEDICAL FACILITY PROJECT, REPLACEMENT SITE, DENVER COLORADO.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may enter into an agreement to purchase a site for the replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $98,000,000.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report identifying and outlining the various options available to the Department for replacing the current Department of Veterans Affairs Medical Center, Denver, Colorado. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, State, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 6. EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each such project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center, Cleveland, Ohio, and the Department of Veterans Affairs Medical Center, Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the extended care building at the Department of Veterans Affairs Medical Center, Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center, Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th floor wards modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new medical center facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an ambulatory surgery/outpatient diagnostic support center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic corrections, Buildings 7 and 126, Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic corrections, Buildings 500 and 501, Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a new medical center facility, Orlando, Florida, to be located at the site in Lake Nona known as site selection C, which is directly south of the interchange between SR-417 and Lake Nona Boulevard and is part of a science and research park that is likely to include the proposed campus of the medical school of the University of Central Florida, in an amount not to exceed $377,700,000.

(12) Consolidation of campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward upgrades and expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Construction of a spinal cord injury center, Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $77,700,000.

(15) Upgrade essential electrical distribution systems, Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(16) Expansion of the spinal cord injury center addition, Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(17) Blind rehabilitation and psychiatric bed renovation and new construction project, Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 7. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

(a) FISCAL YEAR 2006 LEASES.—The Secretary of Veterans Affairs may carry out the